

## REMARKS

Responsive to the Office Action mailed on January 16, 2007 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

### Present Status of Application

Claims 1, 6-7, 10-12, 14-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 5,606,756). Claims 2-5 are withdrawn from consideration. The amendment to the specification filed on October 21, 2006 is objected to as misidentifying the line on which the original paragraph begins.

In this paper, claims 1 and 14 are amended to recite a power deflation feature of the air pump assembly in embodiments of the present invention. Claim 21 is amended to correct an informality. New claims 23-27 are added. Support for the amendments and new claims can be found, for example, in Figs. 4A-4F and the related description in the specification. The amendment to the specification is corrected in the manner suggested by the Examiner. Thus, on entry to this amendment, claims 1-7, 10-12, 14-18 and 20-27 remain in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

### Rejections Under 35 U.S.C. 102(b)

Claims 1, 6-7, 10-12, 14-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Price. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as

in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Price teaches an air bedding system including a diaphragm pump. A controller is used to activate the diaphragm pump to force air into, for example, an air core to achieve inflation thereof. Deflation of the air core is achieved by activation of solenoids and opening of associated valves to allow air to exhaust from the air core. Col. 10, 61-63; col. 16, 31-34; col. 18, lines 9-11.

In the rejections, the Examiner relies on the system shown in Fig. 29 of Price to teach the limitations of the claims pending in this application. Said system includes a "mattress 312," an "air wedge 318," a "solid wall 324," an "external hose 322," and a "diaphragm pump 26 disposed entirely within mattress 312." Col. 18, line 43 to col. 19, lines 22.

Price fails to teach or suggest an air pump assembly built into an inflatable mattress pad and arranged to inflate and power deflate the mattress pad, as recited in claim 1, or an air pump assembly built into an inflatable mattress pad, wherein the air pump assembly is separately connected to the inflatable mattress pad and an inflatable back support for inflation and powered deflation thereof, as recited in claim 14.

Applicant first notes that Price's diaphragm pump 26 does not have the feature of power deflation. To the contrary, it is evident throughout the reference that deflation of an air core is achieved by activating a solenoid to allow air to exhaust there from. Furthermore, examination of the pump construction shown in Figs. 10-17, 20 and 21 of Price reveals that it would be technically impossible for the diaphragm pump to exhaust air by motor assisted (power) deflation.

Second, Applicant disagrees that Price teaches that diaphragm pump 26 is built into an inflatable mattress pad. In particular, "mattress 312" in Fig. 29 is not described as being inflatable in the related description of the figure. Furthermore, in embodiments of Price's system, the diaphragm pump is disposed within non-inflatable foam segments surrounding one

or more air cores. See, for example, Figs. 18 and 23. Given the lack of disclosure regarding the structure of mattress 312 shown in Fig. 29 (or Fig. 33), Applicant respectfully submits that the Examiner is reading claim features into the figure without adequate foundation in the actual reference itself.

Finally, Applicant submits that even if Fig. 29 were interpreted as teaching that the diaphragm pump is disposed inside an inflatable portion of the mattress (a view Applicant expressly rejects), such an interpretation is not supported by an enabling disclosure. For example, it is not at all evident how air leakage around the power cord 36 or the wire connecting to controller 22 could be prevented in such an arrangement, or how the pump is supported inside the structure.

For at least the reasons described above, it is Applicant's belief that the cited reference fails to teach or suggest all the limitations of claims 1 and 14. Applicant therefore respectfully requests that the rejection of claims 1 and 14 be withdrawn and the claims passed to issue. Insofar as claims 6-7, 10-12, 15-18 and 20-22 depend from one of claims 1 or 14 either directly or indirectly, and therefore incorporate all of the limitations of claims 1 or 14, it is Applicant's belief that these claims are also in condition for allowance.

#### New Claims 23-27

Newly added claims 23-27 are believed to be allowable by virtue of their dependency from one of claims 1 or 14. In addition, Applicant submits that the claims are allowable for the separate and independent reasons as described below.

New claims 23 and 26 recite that a portion of the inflatable back support physically adjoins a portion of the inflatable mattress pad. To the contrary, Price teaches that mattress 312 and air wedge 318 are separated by a solid wall 324 that is raised upwards and diagonally by the inflation of the air wedge. Col. 19, lines 6-10. Applicant therefore submits that claims 23 and 26 are allowable over the cited reference.

New claims 24 and 27 recite an air tube communicating the air pump assembly and inflatable back support, wherein the air tube is situated within the inflatable mattress pad and connects to

the inflatable back support through the adjoined portions of the inflatable mattress pad and the inflatable back support. Insofar as Price does not teach or suggest adjoined portions as recited in the claims, it is evident that hose 322 cannot connect to wedge 318 there through. To the contrary, as shown in Fig. 29, hose 322 extends outside mattress 312 and around solid wall 324 to reach wedge 318. Furthermore, while Price teaches that hose 322 may be "primarily disposed within mattress 312" (col. 18, lines 64-65), it is evident that hose 322 must nevertheless extend at least partially out of mattress 312 in order to reach around solid wall 324 to wedge 318. Applicant therefore submits that claims 24 and 27 are allowable over the cited reference.

New claim 25 recites that the air pump assembly of claim 1 is arranged to power deflate the back support. For the reasons noted above in connection with claims 1 and 14, it is Applicant's belief that Price fails to teach or suggest this feature.

#### Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to Deposit Account No. **502447**.

Respectfully submitted,

/Nelson A. Quintero/

Nelson A. Quintero

Reg. No. 52,143

Customer No. 34,283

Telephone: (310) 909-8535

P124353NAQ